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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

<p>SHERRY TERESA, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MAYO FOUNDATION FOR MEDICAL EDUCATION AND RESEARCH,</p> <p style="text-align: center;">Defendant.</p>	<p>STIPULATED MOTION FOR AN EXTENSION OF TIME</p> <p>Case No. 4:24-cv-00033-AMA-PK</p> <p>Judge Ann Marie McLiff Allen</p> <p>Magistrate Judge Paul Kohler</p>
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STIPULATED MOTION

By and through counsel, Plaintiff Sherry Teresa and Defendant Mayo Foundation for Medical Education and Research (collectively “the Parties”), respectfully file this Stipulated Motion for an Extension of Time for Plaintiff to respond to Defendant’s Motion to Dismiss the First Amended Complaint,¹ and state as follows:

¹ Dkt. 29.

Relief requested: The Parties request a two-week enlargement of time for Plaintiff to file her opposition to Defendant’s Motion to Dismiss (ECF No. 29) and for Defendant to file its reply respectively. Under DUCivR 7-1(1)(4), Plaintiff’s opposition is presently due on August 28, 2024 and Defendant’s reply is due September 11, 2024.

Grounds: This is a putative class action that alleges that Defendant violated Utah’s Notice of Intent to Sell Nonpublic Personal Information Act, Utah Code Ann. § 13-37-101, *et. seq.* (the “NISNPIA”) by renting, selling, exchanging, and otherwise disclosing Nonpublic Personal Information it obtained through its sales of publications to Utah consumers without first providing consumers notice required under the NISNPIA statute. Defendant’s Motion to Dismiss the FAC, which was filed on July 31, 2024, seeks dismissal of Plaintiff’s claims on several grounds – that the Court lacks subject matter jurisdiction because NISNPIA bars federal class actions, that the Court otherwise lacks subject matter jurisdiction because Plaintiff cannot meet CAFA’s requirements, that Plaintiff lacks Article III standing, and that Plaintiffs have failed to state a claim under the statute because Defendant is not a covered “commercial entity” under the NISNPIA.

Plaintiff seeks, and Defendant does not oppose, an additional two weeks to respond to Defendant’s legal and factual arguments, and because of the press of other pending matters, counsel requires additional time to prepare an opposition that fully addresses Defendant’s multiple grounds for dismissal. The parties have agreed Defendant shall receive a similar enlargement of time for its reply. Accordingly, the Parties respectfully request that the Court adjust the briefing schedule on the motion to dismiss as follows:

Plaintiff’s Opposition due: September 11, 2024

Defendant’s Reply due: October 9, 2024

Dated: August 14, 2024

Respectfully submitted,

/s/ _____

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